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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MENTOR GRAPHICS CORP.,

Plaintiff,

vs.

EVE-USA, Inc. and Emulation and
Verification Engineering, SA,

Defendants.

Civil Action No. 06-CV-341-AA

**PLAINTIFF MENTOR GRAPHICS
CORPORATION'S CONCISE
STATEMENT OF MATERIAL FACTS
IN SUPPORT OF ITS MOTION FOR
PARTIAL SUMMARY JUDGMENT ON
DEFENDANTS' INVALIDITY DEFENSE**

Pursuant to L.R. 56.1, Plaintiff Mentor Graphics Corporation presents the following statement of undisputed facts:

1. On July 31, 1998, the United States application for a "Method and Apparatus for Gate-Level Simulation of Synthesized Register Transfer Level Designs with Source-Level Debugging" was filed. Mr. Luc Burgun was named as a co-inventor on this application (Application No. 09/127,584, hereinafter the "376 Patent Application") which later issued as

United States Patent No. 6,240,376 B1 (“’376 Patent”) on May 29, 2001. *See* Exhibit 1 to Declaration of Plaintiff’s Counsel.

2. On September 9, 1998, Mr. Burgun executed an assignment to Mentor Graphics Corporation of his “entire right, title and interest” in the ‘376 Patent Application (Application No. 09/127,584). Mr. Burgun also assigned his “entire right, title and interest ... in and to [1] any and all improvements that are disclosed in the application ...; [2] all divisional, continuing, substitute, renewal, reissue, and all other patent applications ... on any of said improvements; and ... [3] all original and reissued patents that have been or shall be issued ... on said improvements....” Moreover, Mr. Burgun undertook to “generally assist [Mentor] in securing and maintaining proper patent protection for said improvements....” *See* Exhibit 2 to Declaration of Plaintiff’s Counsel.

3. On September 9, 1998, Mr. Burgun executed a Declaration and Power of Attorney, in which he attests that he is “an original, first and joint inventor” of the invention described in the ‘376 Patent Application. *See* Exhibit 3 to Declaration of Plaintiff’s Counsel, pp. 1, 4.

4. On March 19, 1999, Mr. Burgun executed a Supplemental Declaration, in which he again attests that he is “an original, first and joint inventor” of the invention and also attests that all of his statements were believed to be true and made with the knowledge that willful false statements are punishable by fine or imprisonment, or both. *See* Exhibit 4 to Declaration of Plaintiff’s Counsel, pp. 1, 3.

5. On May 29, 2001, the ‘376 Patent Application (Application No. 09/127,584) issued as U.S. Patent No. 6,240,376 B1 (“’376 Patent”), with Mr. Burgun as a named inventor. *See* Exhibit 1 to Declaration of Plaintiff’s Counsel.

6. Mr. Burgun is a co-founder of Emulation and Verification Engineering, SA (“EVE SA”). Defendants’ Responses to Mentor’s First Set of Requests for Admission, p. 4.¹

7. Mr. Burgun is an officer and director of EVE SA. Defendants’ Responses to Mentor’s First Set of Requests for Admission, pp. 3-4.

8. Specifically, Mr. Burgun is President and Chief Executive Officer of EVE, SA. Defendants’ Initial Disclosures, p. 3.²

9. Mr. Burgun is also a shareholder of EVE SA. Defendants’ Responses to Mentor’s First Set of Requests for Admission, p. 5.

10. EVE-USA, Inc., is a wholly owned subsidiary of its parent corporation, EVE, SA. Defendants’ Corporate Disclosure Statement, p. 1.³

11. Mr. Burgun is also an officer and director of EVE-USA. Defendants’ Responses to Mentor’s First Set of Requests for Admission, p. 4.

12. Defendants’ second affirmative defense alleges that the patents-in-suit, including the ‘376 Patent, are invalid. Defendants’ Answer To First Amended Complaint For Patent Infringement, p. 4.⁴

¹ Relevant excerpts from Defendants’ Responses to Mentor’s First Set of Requests for Admission are attached as Exhibit 5 to the Declaration of Plaintiff’s Counsel filed concurrently herewith.

² Relevant excerpts from Defendants’ Initial Disclosures are attached as Exhibit 6 to the Declaration of Plaintiff’s Counsel filed concurrently herewith.

³ The relevant excerpt from Defendants’ Corporate Disclosure Statement is attached as Exhibit 7 to the Declaration of Plaintiff’s Counsel filed concurrently herewith.

⁴ Relevant excerpts from Defendants’ Answer To First Amended Complaint For Patent Infringement are attached as Exhibit 8 to the Declaration of Plaintiff’s Counsel filed concurrently herewith.

13. Defendants have requested that this Court enter an Order finding that the claims of the patents-in-suit, including the '376 Patent, are invalid. Defendants' Answer To First Amended Complaint For Patent Infringement, p. 8.

Dated this 31st day of October, 2006

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